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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/541,764	07/11/2005	John Alan Gervais	PU030016	6099
24498	7590	01/11/2008		
THOMSON LICENSING LLC			EXAMINER	
Two Independence Way			CHAN, SAI MING	
Suite 200				
PRINCETON, NJ 08540			ART UNIT	PAPER NUMBER
			2616	
			MAIL DATE	DELIVERY MODE
			01/11/2008	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/541,764

Applicant(s)

GERVAIS ET AL.

Examiner

Sai-Ming Chan

Art Unit

2616

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 11 July 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-8 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-8 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 11 July 2005 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) ✓
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/SB/08) ✓
Paper No(s)/Mail Date _____

- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

Priority

Applicant's claim for domestic priority under 35 U.S.C. 119(e) is acknowledged.

Information Disclosure Statement

The information disclosure statements (IDS) submitted on July 11, 2005 has been considered by the Examiner and made of record in the application file.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

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1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating

obviousness or nonobviousness.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

Claims 1-7 are rejected under 35 U.S.C. 103(a) as being unpatentable over **Myles et al. (U.S. Patent Publication # 20070091934)**, in view of **Crawford (U.S. Patent Publication # 20040037366)**.

Consider **claims 1, 4 and 7,**

claim 5, and as applied to claim 4 above,

Myles et al. clearly disclose and show an apparatus for wirelessly transmitting and receiving digital video data, comprising: a means for receiving a time stamp (paragraph 0012 (receiving synchronization information)) indicating a time (paragraph 0012) of a

video transmission (paragraph 0101 (wireless digital video)); a means for determining a relative time difference between the time stamp and a previous time stamp (paragraph 012 (offset));

However, Myles et al. do not specifically disclose sending time difference from station to access point.

In the same field of endeavor, Crawford clearly shows a means for communicating the relative time difference to a transmitter having as one feature of transmission a time base (paragraphs 0125 (remote terminal (RT) sends a signal back to AP), paragraph 0126-0127); a means for the transmitter to adjust the time base in according to the relative time difference (paragraph 0129 (AP adjusts its time base)).

Therefore, it would have been obvious to a person of ordinary skill in the art at the time of invention to incorporate a wireless video data apparatus, as taught by Myles et al., and demonstrate sending the time difference, as taught by Crawford, so that the best video quality can be achieved.

Consider **claim 2, and as applied to claim 1 above**, Myles et al. as modified by Crawford, clearly disclose and show an apparatus, wherein the transmitter communicates to one or more receivers (fig. 1c (106, 107 and 108)), the adjusted time base according to the relative time difference (paragraph 0048).

Consider **claim 3, and as applied to claim 2 above**, Myles et al. as modified by Crawford, clearly disclose and show an apparatus, wherein the one or more receivers

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(fig. 1c (106, 107 and 108)) adjust a time base according to the relative time difference (paragraph 0048).

Consider **claim 6**, Myles et al. clearly disclose and show an apparatus comprising: a WLAN compliant device (paragraph 0003 (WLAN)).

However, Myles et al. do not specifically disclose adjusted time difference.

In the same field of endeavor, Crawford clearly shows a means for receiving an adjusted time (paragraphs 0125 (remote terminal (RT) sends a signal back to AP), paragraph 0126-0127) according to a relative time difference.

Therefore, it would have been obvious to a person of ordinary skill in the art at the time of invention to incorporate a wireless video data apparatus, as taught by Myles et al., and demonstrate the time difference, as taught by Crawford, so that the best video quality can be achieved.

Claim 8 is rejected under 35 U.S.C. 103(a) as being unpatentable over **del Prado Pavon et al. (U.S. Patent #71200)**, in view of Mohindra (U.S. Patent Publication # 20050020226).

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Consider **claim 8**, del Prado Pavon et al. clearly disclose and show a method of adjusting a time base according to a relative time difference comprising the steps of: determining a relative time difference between a current and a previous AUX SCR (abstract (master sends cycle time value)) to the current and a last value latched in a local oscillator clock (abstract (slave calculates the difference value), column 4, lines 44-54 (oscillators)); adjusting a clock in the local oscillator (fig. 2a (18a (non-master) update), column 4, lines 44-54 (write to the cycle time register)) to synchronize a data rate in a set top; outputting the adjusted clock to a MAC Chip (column 5, lines 53-60 (MAC layer)); adjusting a beacon packet in accordance with the adjusted clock (fig. 3a, step 59); transmitting the adjusted beacon packet to a wireless station (fig. 3a, step 61); and utilizing the adjusted beacon to adjust the rate of the local clock (fig. 3b, step 69).

However, Myles et al. do not specifically disclose VCXO.

In the same field of endeavor, Mohindra clearly shows VCXO (paragraph 0014 (VCXO)).

Therefore, it would have been obvious to a person of ordinary skill in the art at the time of invention to incorporate a wireless video data apparatus, as taught by del Prado Pavon et al., and demonstrate voltage controlled oscillator crystal, as taught by Mohindra, so that the best video quality can be achieved.

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Conclusion

Any response to this Office Action should be **faxed to (571) 273-8300 or mailed to:**

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Alexandria, VA 22313-1450

Hand-delivered responses should be brought to

Customer Service Window
Randolph Building
401 Dulany Street
Alexandria, VA 22314

Any inquiry concerning this communication or earlier communications from the Examiner should be directed to Sai-Ming Chan whose telephone number is (571) 270-1769. The Examiner can normally be reached on Monday-Thursday from 6:30am to 5:00pm.

If attempts to reach the Examiner by telephone are unsuccessful, the Examiner's supervisor, Seema Rao can be reached on (571) 272-3174. The fax phone number for the organization where this application or proceeding is assigned is (571) 273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR

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system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free) or 571-272-4100.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist/customer service whose telephone number is (571) 272-2600.

Sai-Ming Chan
S.C./sc



January 3, 2008

Seema S. Rao
1/7/08
SEEMA S. RAO
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2609